extrinsic evidence is admissible to determine whether a given writing is a will; to determine the subjects and objects of bequests and devises; to show surrounding facts and circumstances so as to put the court in the position of the testator; to explain latent ambiguities; and to rebut a resulting trust. See 17 MICH. L. REV. 179. Whenever there exists an uncertainty or ambiguity as to the beneficiary, which cannot be made clear by a construction of the will as a whole, recourse may be had to extrinsic evidence to identify the devisee or legatee intended. *Gilmer* v. *Stone,* 120 U. S 586; *Women's Union Missionary Soc.* v. *Mead,* 131 Ill. 361; *Faulkner* v. *National Sailors' Home,* 155 Mass. 458; *Gilchrist* v. *Corliss,* 155 Mich. 126; *Hospital* v. *Royal Hospital,* 90 L. T. (N. S.) 601. Thus, in a bequest to a charitable institution, if the name used by the testator is not strictly applicable to any existing institution, but partly fits two or more, extrinsic evidence is admissible to show which was intended. *Preachers' Aid Soc.* v. *Rich,* 45 Me. 552; *Wood* v. *Hammond,* 16 R. I. 98; *Tilley* v. *Ellis,* 119 N. C. 233. But it has been held that if the name used by the testator is more properly applicable to one claimant than the other, so that the court can determine from the will which was meant, then parol evidence will not be admissible. *St. Luke's Home* v. *Association for Indigent Females,* 52 N. Y. 191; *Tucker* v. *Seamen's Aid Soc.,* 7 Met. 188. Although the rule is settled as above indicated, considerable confusion exists among the cases in regard to the nature of the extrinsic evidence which is admissible. Some courts admit any evidence which bears upon any of the facts or circumstances surrounding the testator at the time he made the will. *Hall* v. *Stephens,* 65 Mo. 670; *Lawton* v. *Corleis,* 127 N. Y. 100; *Women's Union Missionary Soc.* v. *Mead, supra; Bond's Appeal,* 31 Conn. 183. Other courts seem to limit somewhat the scope of such evidence. *Cresson's Appeal,* 30 Pa. St. 437 (name of institution popularly used); *Button* v. *American Tract Soc.,* 23 Vt. 336 (relations existing between testator and claimant); *Re Wolverton Mortgaged Estates,* L. R. 7 Ch. Div. 197 (testator's knowledge); *South Newmarket Methodist Seminary* v. *Peaslee,* 15 N. H. 317 (declarations of testator). For a review of the English authorities in point with the principal case see 53 SOLICITOR'S JOUR., 211. See also 47 L. R. A. (N. S.) 514. It seems that the courts are more liberal where the mistake is in the name of the beneficiary than where it is in the description of the subject-matter of the gift; and most liberal where the bequest or devise is to a charity.

WORKMEN'S COMPENSATION—PROVOKED ASSAULT BY FOREMAN NOT AN INJURY ARISING OUT OF EMPLOYMENT.—A factory oiler, upon being accused of using too much oil, called his foreman a liar, whereupon the foreman struck him. *Held* (two justices dissenting), that this was not an injury arising out of employment. *Knocks* v. *Metal Package Corporation et al.* (Nov., 1920), 185 N. Y. S. 309.

While differing in special applications, all the cases agree that an injury arising from acts which the parties must have contemplated to be necessary from the character of the work and the circumstances surrounding it is an

injury resulting from and arising out of the employment. See 14 MICH. L. REV. 525, and cases therein cited. See also 12 MICH. L. REV. 687; 19 MICH. L. REV. 232, 458. *In Matter of McNicol,* 215 Mass. 497, it was held that where to the rational mind there is a causal connection between the conditions under which the work is required to be performed and the resulting injury, so that it could be said to have been contemplated by a reasonable person familiar with the whole situation, then it arises out of the employment. There must be a causal connection. This case has been quoted approvingly in many cases. See *Hopkins* v. *Michigan Sugar Co.,* 184 Mich. 87; *In re Sanderson's Case,* 224 Mass. 558; *Ohio Bld. Safety Vault Co.* v. *Industrial Board,* 227 Ill. 96; *Hulley* v. *Moosbrugger,* 88 N. J. L. 161; *Mann* v. *Glastonbury Knitting Co.,* 90 Conn. 116. In cases of horseplay or sportiveness injuries arising therefrom have generally been held to be outside the scope of the employment. *Matter of De Fillippis* v. *Falkenberg,* 155 N. Y. Supp. 761, and cases therein cited. See also 19 MICH. L. REV. 577. However, in *Leonbruno* v. *Champlain Silk Mills* (N. Y., 1920), 128 N. E. 711 (noted in 19 MICH. L. REV. 456), compensation was allowed where an employee was injured in the eye by an apple thrown playfully by a fellow employee. It is not doubted that when a servant, in the course of employment, is assaulted by another he may sometimes be entitled to compensation. *Griffin* v. *Roberson & Son,* 162 N. Y. S. 313; *Matter of Carbone* v. *Loft,* decided without opinion in 159 N. Y. S. 1104. The theory is that the servant was protecting his master's interest. Also, where an employer is carelessly served by two men there may be an altercation and a resulting act arising out the employment. *Matter of Hertz* v. *Ruppert,* 218 N. Y. 148. Or where a workman, who is surprised by a physical assault or an insult, reacts and strikes another, compensation may be allowed. *Matter of Verschleiser* v. *Stearn & Co.,* 229 N. Y. 192. The court in the instant case likened the situation there to a case of horseplay or sportiveness, maintaining that while the emotions prompting the acts are different, the purpose in both cases is the same—namely, to gratify a personal desire and not to serve the master. While this presents a very strong case, and is probably sustained by the weight of authority at the present time, it might be urged with a great degree of plausibility that this was an injury arising out of the employment. Personal relations between employer and employee are necessary and incidental to the business conducted. Personal altercations between employees and foremen are so natural and common that they are practically inevitable. Can it not be said that to the rational mind such disputes *are* within the contemplation of the parties, that there *is* a causal connection between the two? It is difficult to see why such disputes are not natural incidents of the work.